United Nations S/AC.49/2013/20

Security Council

Distr.: General
13 August 2013

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 12 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit the report of the Socialist Republic of Viet Nam on the implementation of Council resolution 2094 (2013) (see annex).

13-43799 (E) 120913

Please recycle

Annex to the note verbale dated 12 August 2013 from the Permanent Mission of Viet Nam to the United Nations addressed to the Chair of the Committee

Pursuant to paragraph 25 of Security Council resolution 2094 (2013), Viet Nam hereby submits its report on measures taken to implement the resolution and on the relevant legal mechanisms of Viet Nam.

1. It is the consistent position of Viet Nam to support the comprehensive nuclear-test ban and the non-proliferation of nuclear weapons and other weapons of mass destruction, with a view to their total elimination. In this spirit, as a responsible member of the United Nations, Viet Nam has always implemented its obligations under relevant Security Council resolutions, in particular resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013), including by submitting its reports (S/AC.49/2007/9 and S/AC.49/2009/31). Viet Nam has seriously implemented these resolutions and will continue to do so.

2. Upon the adoption of resolution 2094 (2013) by the Security Council, the text and annexes were immediately translated into Vietnamese, reported to the Prime Minister and circulated to the ministries and agencies concerned. On 29 March 2013, the Prime Minister of Viet Nam instructed the relevant ministries and agencies to strictly implement the resolution. On the Prime Minister's instruction, the ministries and agencies have assigned focal points and informed departments and organizations of the contents of the resolution and the lists of designated individuals, entities and items. The ministries and agencies have reported that the relevant contents have been seriously studied and carefully examined and implemented, and that, since the adoption of the resolution on 7 March 2013, no violation has been detected. They reiterated that they would continue to strictly implement the resolution.

3. The Prime Minister's instruction on the implementation of resolution 2094 (2013) and the relevant legal documents, including the legal mechanisms for implementing resolutions 1718 (2006), 1874 (2009) and 2087 (2013), details of which Viet Nam has provided in its relevant reports on the implementation of these resolutions, constitute the basic legal framework for the implementation of resolution 2094 (2013).

(a) **Export and transfer of goods mentioned in paragraphs 7-9, 20, 22 and 23:**

(i) In Viet Nam, the Government exercises strict and sole control over all weapons. Individuals without authority and mandate are not allowed to own or use weapons. Under the law of Viet Nam, weapons and related materials are considered as special goods that are subject to restrictions in terms of general production, stockpiling, transportation and trade, which are prohibited. The 1999 Penal Code specifies penalties for the illicit production, stockpiling, transportation of and trade in weapons, explosives, radioactive and inflammable materials and toxins. The ordinance on the management and use of weapons, explosives and law enforcement equipment (2011) further specifies provisions for the strict management of weapons;

(ii) Apart from general regulations applicable to all types of weapons, there are additional regulations covering weapons of mass destruction and related

materials. In June 2008, the National Assembly of Viet Nam passed the Law on Atomic Energy, which specifies measures to ensure atomic energy safety and the development of such energy for peaceful purposes. The Law prohibits acts linked to the use of atomic energy to violate national sovereignty and the rights and legal interests of individuals and organizations and to harm people and the environment. The Law also prohibits research on and the development, transfer and use of nuclear and radiological weapons. In addition, the Law provides details on controls on the export and import of radioactive materials and nuclear equipment, commodities exposed to radiation or containing radioactive materials, as well as controls on the import of goods suspected of containing radioactive materials or of having been exposed to radiation etc. In addition, many legal and other documents on nuclear safety have been issued, such as: the Ordinance on Radiation Safety and Control (1996); the Action Plan on Radiation and Nuclear Safety and Controls (2000); Decree No. 51/2006/ND-CP of 19 May 2006, together with the circular on administrative penalties in the field of radiation safety and control; and Decision No. 450/QD-TTg of the Prime Minister of 25 March 2011 approving the project on the application of security measures in the field of atomic energy, including measures to prevent the illegal import, export and transportation of nuclear materials;

(iii) Regarding chemicals, on 3 August 2005 the Government issued Decree No. 100/2005/ND-CP, on the implementation of the Chemical Weapons Convention, which stipulated strict control over the transfer of chemicals. On 21 November 2007, the National Assembly adopted the Law on Chemicals, which designated the Ministry of Industry and Trade as the Government's agency managing all activities involving chemicals. On 7 October 2008, the Government issued Decree No. 108/2008/ND-CP detailing and providing guidance for the implementation of this Law;

(iv) On 26 August 2005, the Prime Minister issued Decision No. 212/2005/QD-TTg promulgating the regime for managing the biological safety of genetically modified organisms and products based on such organisms. The regime provides for State management of biological safety in the following activities: scientific research, technological development and experimentation; production, trade and use; import, export, storage and transportation; risk assessment and management; biological safety licensing for genetically modified organisms and products based on such organisms in order to protect human health, the environment and biodiversity;

(v) Viet Nam's legal instruments governing domestic and foreign trade also provide strict regulations for activities relating to weapons and materials that may be used for the production and use of weapons of mass destruction. Normative acts, including the 2005 Trade Law, the 2006 Law on Civil Aviation and Decree No. 32/2005/ND-CP of the Government, specify sanctions for the smuggling, illicit transportation and use of weapons, radioactive substances and explosives through land border gates, airports and seaports. With regard to temporary import and re-export cargoes, business regulations on temporary import, re-export, trans-shipment and processing stipulate that the temporary import, re-export and trans-shipment of restricted goods shall require the authorization of the Ministry of Industry and Trade. In 2007, the Prime Minister issued Directive 25/2007/CT-TTg on the prevention of and fight

against terrorism in the new context, which further tightened control measures on these types of weapons;

(vi) In implementing these regulations, Viet Nam's authorities, including the General Department of Customs, have been cooperating with the relevant agencies of other countries and international organizations in the prevention of prohibited and smuggled commodities across borders, while enhancing the monitoring of goods crossing national borders, with a view to detecting and preventing the illicit transportation of smuggled and prohibited goods, weapons, explosives and other hazardous substances;

(b) **Entry and transit of individuals mentioned in paragraph 10:**

(i) Article 4 of Ordinance No. 24/1999/PL-UBTVQH10 of 28 April 2000 (the 2000 Ordinance), on Entry, Exit and Residence of Foreigners in Viet Nam, stipulates that "foreigners entering or exiting Viet Nam shall hold passports or alternative travel documents (hereinafter collectively referred to as passports) with a valid visa issued by a competent Vietnamese authority, unless a visa is not required for such persons". Article 19 of the Ordinance stipulates that "the Ministry of Public Security is responsible for State management of entry, exit and residence of foreigners in Viet Nam". To fulfil this mandate, the Ministry of Public Security issued the regime on transit of foreigners in Viet Nam for the purpose of tourism, which sets out procedures for relevant individuals and organizations to report to competent authorities of Viet Nam on entry and exit activities;

(ii) Subsequent to the 2000 Ordinance, the Government issued Decree No. 21/2001/ND-CP, providing details for the implementation of the 2000 Ordinance, and Decree No. 32/2005/ND-CP of 11 March 2005, on the regime of land border gates and exit, entry, transit, import and export through the border gates of people, vehicles and goods, in order to manage and protect sovereignty and national border security. Article 15 of Decree No. 32/2005/ND-CP strictly prohibits the use of false passports and travel documents, as well as the organization, guiding and transportation of people for the purpose of illegal entry and exit at border gates;

(c) **Freezing of funds, financial assets and other economic resources mentioned in paragraphs 11-15:**

(i) Viet Nam has established a legal basis and implemented measures to prevent and combat money-laundering through transactions in money or other assets. This legal basis includes: the 2010 Law on the State Bank of Viet Nam, the 2010 Law on Credit Institutions, the Law on the amendments of the 1999 Penal Code on retaining or consuming assets acquired through the commission of crimes by other persons and on money-laundering (articles 250 and 251), Joint Circular No. 09/2011/TTLT-BCA-BQP-BTP-NHNNVN-VKSNDTC-TANDTC of 30 November 2011 guiding the application of the provisions of the Penal Code on retaining or consuming assets acquired through the commission of crimes by other persons and on money-laundering, the 2005 Ordinance on Foreign Exchange, and the government decrees on administrative penalties in monetary and banking operations, on payments through payment service institutions and on the organization and operation of the People's Credit Funds;

(ii) In particular, Decree No. 74/2005/ND-CP of 7 June 2005 stipulates mechanisms and measures to prevent and combat money-laundering in Viet Nam through monetary or other asset transactions. According to the Decree, the focal point of an anti-money-laundering inter-agency mechanism is the State Bank of Viet Nam; its Anti-Money-Laundering Department is directly responsible for receiving and processing information on illegal transactions or information relating to transactions of illegal origin, submitting periodic reports to the Government and coordinating with relevant agencies to implement the Decree. The Ministry of Public Security is the leading authority in preventing and combating crimes related to money-laundering, including the investigation of money-laundering cases, coordinating with the State Bank of Viet Nam to take necessary preventive measures in anti-money-laundering operations;

(iii) To implement Security Council resolution 2094 (2013) and other related resolutions of the Council, the State Bank of Viet Nam has undertaken highly precautionary measures while directing banking and credit institutions to fully apply, at the highest level, the standards of customer identification and to report excessive cash transactions (CTR200, CTR500), international electronic money transfers and suspicious transactions to the Anti-Money-Laundering Department, the banking inspection and supervision authority for monitoring, handling and reporting to competent authorities;

(d) **Goods inspection mentioned in paragraphs 16-19:**

(i) The Government's Decree No. 71/2006/ND-CP of 25 July 2006 specifies necessary procedures for vessels entering or exiting Viet Nam, prescribing two cases requiring direct on-board supervision and custody by State agencies, namely: (a) when vessels show obvious signs of violations of the law; and (b) for the purposes of national security and defence, public order and safety, and the prevention of epidemics;

(ii) Pursuant to the Prime Minister's instruction of 29 March 2013 on the implementation of resolution 2094 (2013), the Ministry of Industry and Trade issued Directive No. 387/BCT-KV1 to request groups, general corporations, subordinate bodies and associations to comply with the resolution in their respective relations with the Democratic People's Republic of Korea;

(iii) On that basis, the Government of Viet Nam instructed the relevant authorities to inspect goods originating from or going to the Democratic People's Republic of Korea in Viet Nam's territory, including at seaports and airports, in conformity with existing domestic and international laws, with a view to ensuring that those goods are not prohibited from being supplied, sold, transferred or exported under the provisions of the relevant Security Council resolutions;

(iv) The General Department of Customs under the Ministry of Finance bears the main responsibility for goods inspection in the implementation of Security Council resolutions, in conformity with Viet Nam's laws.

4. In the past years, Viet Nam's competent authorities, including at central and local levels, law enforcement agencies, protection forces at border gates, seaports and airports have taken active and effective measures to manage and control export and import activities, entry and exit, and financial transactions, thereby contributing

to the maintenance of political security and social order in Viet Nam. In practice, Viet Nam has not found any activity violating resolution 2094 (2013). Individuals and organizations in Viet Nam have no relations with those designated in the annexes to resolution 2094 (2013).

As a responsible member of the United Nations, Viet Nam believes that the resolutions of the Security Council on the nuclear issue on the Korean peninsula shall be complied with. Viet Nam reaffirms its commitment to fully implementing resolution 2094 (2013) and its willingness to work with relevant parties in this effort, as well as to ensure normal and legitimate commercial activities among nations for sustainable peace, stability and development in the region and the world.